

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

GOKHAN MUTLU,

08 CIV 4887 (LAP)

Plaintiff(s),

DECLARATION OF ISMAIL S.
SEKENDIZ IN SUPPORT OF
PLAINTIFF'S OPPOSITION

- against -

JETBLUE AIRWAYS CORPORATION,
PILOT, true identity unknown, and
FLIGHT ATTENDANT, true identity unknown,

Defendant(s).

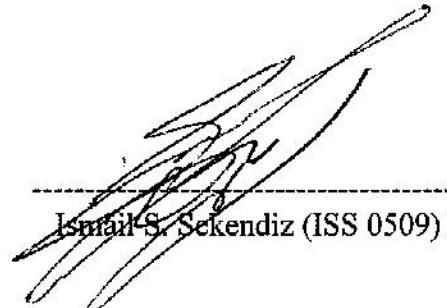
-----X

ISMAIL S. SEKENDIZ, do hereby affirm under the penalties of perjury the following:

1. I am a member in good standing of the bar of this Court and am an associate of the law firm Akin & Smith, LLC, the attorneys for the Plaintiff in the above-captioned action. As such, I am fully familiar with the pleadings and proceedings in this action.
2. This declaration is submitted in Opposition to the Defendants' instant application seeking an Order, pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, dismissing the Plaintiff's Amended Complaint in its entirety.
3. The Defendant erroneously argues that this Court should preempt all of the Plaintiff's State Law claims and further argues that the Court should then deny the Plaintiff any right of recovery for the damages he sustained as the Federal Statutes do not provide a private right of remedy.

4. In sum, the Defendants are asking this Court to give the Defendants and all those similarly situated a right to cause irreparable harm to citizen of this Country and others without any liability whatsoever.
5. Defendants' motion to dismiss should be denied in its entirety for the reasons set forth in the Plaintiff's Memorandum of Law.
6. I declare under penalties of perjury, pursuant to 28 USC Section 1746, that upon information and belief, the foregoing are true and accurate and respectfully join in the Plaintiff's Opposition seeking to dismiss the instant Motion in its entirety together with such other, further and different relief as this Court deems just and proper.

Dated: New York, New York
August 7, 2008



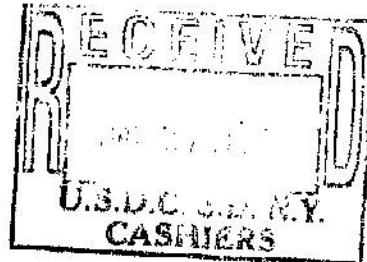
Ismail S. Sekendiz (ISS 0509)

EXHIBIT A

08 CIV 1441
 Christopher G. Kelly (CK 3865)
 Robert J. Burns (RB 1558)
 Suhey I. Nevarez (SN 1981)
 HOLLAND & KNIGHT LLP
 195 Broadway
 New York, New York 10007
 (212) 513-3200

Attorneys for Defendant
 JETBLUE AIRWAYS CORPORATION

UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK



GOKHAN MUTLU, -----X

Plaintiff,

Civil Action No. _____

- against -

NOTICE OF REMOVAL

JETBLUE AIRWAYS CORPORATION,
 PILOT, true identity unknown, and
 FLIGHT ATTENDANT, true identity unknown,

Defendants.

-----X

PLEASE TAKE NOTICE that defendant JetBlue Airways Corporation ("JetBlue"), by and through its attorneys, Holland & Knight LLP, respectfully files Notice of Removal of this action to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1343, 1441, and 1446, and in support thereof states the following:

1. On or about May 9, 2008, plaintiff Gokhan Mutlu ("Plaintiff" or "Mutlu") commenced an action against JetBlue by filing a Verified Complaint in the Supreme Court of the State of New York, County of New York, Index No. 08106489 (the "State Court Action").
2. The State Court Action arises out of an alleged February 23, 2008 incident in which JetBlue, through an unnamed pilot and flight attendant, allegedly required Plaintiff to

surrender his seat and relocate himself to an aircraft lavatory for a portion of a transcontinental flight between California and New York. See Complaint, ¶¶ 17-33. Plaintiff seeks redress for this alleged incident by asserting myriad claims under the United States Constitution (the First and Fourteenth Amendments), under federal civil rights statutes (49 U.S.C. § 40127) and other unidentified "Laws of the United States of America", under federal regulations (14 C.F.R. § 121.311 and 14 C.F.R. § 125.211), and under various state common and statutory law.

3. On May 20, 2008, JetBlue received service of the Summons and Verified Complaint via the New York Secretary of State. Upon information and belief, no other parties have been served as defendants in the State Court Action.

4. The date of commencement of the State Court Action – May 9, 2008 – was the earliest point at which JetBlue might have received a copy of the Summons and Verified Complaint in the State Court Action "through service or otherwise . . ." Accordingly, this Notice of Removal is being filed within thirty (30) days after JetBlue first received, through service or otherwise, a copy of the initial pleading setting forth the claim for relief upon which the State Court Action is based, and is timely filed pursuant to 28 U.S.C. 1446(b).

5. A copy of the Summons and Verified Complaint (the "Complaint") is annexed hereto as Exhibit A, and constitutes all process, pleadings and orders served upon JetBlue in the State Court Action.

6. The Southern District of New York embraces the place where the State Court Action is pending.

7. This Court has original "federal question" jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331; see also 28 U.S.C. § 1441(b) ("Any civil action of which the district courts have original jurisdiction